

**Introduced by Senator Evans**

(Principal coauthor: Assembly Member Williams)

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An act to amend Section 66427.5 of the Government Code, relating to land use.

## LEGISLATIVE COUNSEL'S DIGEST

SB 444, as introduced, Evans. Land use: subdivisions: rental mobilehome park conversion.

The Subdivision Map Act requires a subdivider, at the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a rental mobilehome park to resident ownership, to avoid the economic displacement of all nonpurchasing residents by following specified requirements relating to the conversion, including the requirement that the subdivider obtain a survey of support of residents of the mobilehome park for the proposed conversion, the requirement that the results of the survey be submitted to the local agency for consideration, as specified, and the requirement that the subdivider be subject to a hearing by the legislative body or advisory agency that is authorized to approve, conditionally approve, or disapprove the map.

This bill would clarify that the local agency is required to consider the results of the survey in making its decision to approve, conditionally approve, or disapprove the map; that the agency is authorized to disapprove the map if it finds that the results of the survey have not demonstrated adequate resident support; and that, with respect to mitigation of economic displacement of all nonpurchasing residents, the scope of the hearing is limited to compliance with these provisions of the act.

This bill would find and declare that the changes made by this act do not constitute a change in, and are declaratory of, existing law, and would state the intent of the Legislature to clarify the intent of certain provisions of the subdivision map.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 66427.5 of the Government Code is  
2 amended to read:

3 66427.5. At the time of filing a tentative or parcel map for a  
4 subdivision to be created from the conversion of a rental  
5 mobilehome park to resident ownership, the subdivider shall avoid  
6 the economic displacement of all nonpurchasing residents in the  
7 following manner:

8 (a) The subdivider shall offer each existing tenant an option to  
9 either purchase his or her condominium or subdivided unit, which  
10 is to be created by the conversion of the park to resident ownership,  
11 or to continue residency as a tenant.

12 (b) The subdivider shall file a report on the impact of the  
13 conversion upon residents of the mobilehome park to be converted  
14 to resident owned subdivided interest.

15 (c) The subdivider shall make a copy of the report available to  
16 each resident of the mobilehome park at least 15 days prior to the  
17 hearing on the map by the advisory agency or, if there is no  
18 advisory agency, by the legislative body.

19 (d) (1) The subdivider shall obtain a survey of support of  
20 residents of the mobilehome park for the proposed conversion.

21 (2) The survey of support shall be conducted in accordance with  
22 an agreement between the subdivider and a resident homeowners'  
23 association, if any, that is independent of the subdivider or  
24 mobilehome park owner.

25 (3) The survey shall be obtained pursuant to a written ballot.

26 (4) The survey shall be conducted so that each occupied  
27 mobilehome space has one vote.

28 (5) The results of the survey shall be submitted to the local  
29 agency upon the filing of the tentative or parcel map, to be  
30 considered as part of the subdivision map hearing prescribed by  
31 subdivision (e) in the agency's decision as to whether to approve,

1 *conditionally approve, or disapprove the map, and the agency may*  
2 *disapprove the map if it finds that the results of the survey have*  
3 *not demonstrated adequate resident support.*

4 (e) The subdivider shall be subject to a hearing by a legislative  
5 body or advisory agency, ~~which~~ *that* is authorized by local  
6 ordinance to approve, conditionally approve, or disapprove the  
7 map. ~~The~~ *With respect to mitigation of economic displacement of*  
8 *all nonpurchasing residents, the scope of the hearing shall be*  
9 *limited to the issue of compliance with this section. Nothing in*  
10 *this section shall be construed to relieve the subdivider or the local*  
11 *agency from complying with other applicable state or local laws,*  
12 *including, but not limited to, Chapter 4 (commencing with Section*  
13 *66473) of this division.*

14 (f) The subdivider shall be required to avoid the economic  
15 displacement of all nonpurchasing residents in accordance with  
16 the following:

17 (1) As to nonpurchasing residents who are not lower income  
18 households, as defined in Section 50079.5 of the Health and Safety  
19 Code, the monthly rent, including any applicable fees or charges  
20 for use of any preconversion amenities, may increase from the  
21 preconversion rent to market levels, as defined in an appraisal  
22 conducted in accordance with nationally recognized professional  
23 appraisal standards, in equal annual increases over a four-year  
24 period.

25 (2) As to nonpurchasing residents who are lower income  
26 households, as defined in Section 50079.5 of the Health and Safety  
27 Code, the monthly rent, including any applicable fees or charges  
28 for use of any preconversion amenities, may increase from the  
29 preconversion rent by an amount equal to the average monthly  
30 increase in rent in the four years immediately preceding the  
31 conversion, except that in no event shall the monthly rent be  
32 increased by an amount greater than the average monthly  
33 percentage increase in the Consumer Price Index for the most  
34 recently reported period.

35 SEC. 2. (a) The Legislature finds and declares that the  
36 amendments to Section 66427.5 of the Government Code made  
37 by this act do not constitute a change in, but rather are declaratory  
38 of, existing law.

39 (b) It is the intent of the Legislature to do both of the following:

- 1 (1) Clarify that the legislative intent underpinning paragraphs  
2 (1) and (5) of subdivision (d) of Section 66427.5 of the Government  
3 Code has been, and continues to be, to require a local agency to  
4 consider, in making the decision to approve, conditionally approve,  
5 or disapprove the tentative or parcel map, the level of resident  
6 support for the proposed conversion, and that those provisions  
7 authorize the agency, at its discretion, to disapprove the map, if it  
8 finds that the results of the survey have not demonstrated adequate  
9 resident support.
- 10 (2) Clarify that subdivision (e) of Section 66427.5 of the  
11 Government Code is not intended to relieve the subdivider or the  
12 local agency from the requirement of complying with other  
13 applicable state or local laws, including, but not limited to, Chapter  
14 4 (commencing with Section 66473) of Division 2 of Title 7 of  
15 the Government Code.